

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : John B. Hoesllich, et al.
For : **HIGHER OVERALL FLEX GOLF SHAFT**
Serial No. : 08/787,745
Filed : January 24, 1997
Examiner : S. Blau
Group Art Unit : 3711
Attorney Docket No. : HDG 2 012

DECLARATION UNDER 37 CFR 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Tom Olsavsky, hereby declare that:

1. From 1990 to the present, I have been employed in the field of golf club design and development.
2. From 1990 to 1996, I held several positions, the most recent being Metal Wood Development Manager, for Titleist and FootJoy Worldwide.
3. From 1996 to the present, I have held several positions, the most recent being Director of Research and Development, Metal Woods, for Taylor Made Golf Company.
4. I have been a named Inventor on at least four U.S. Patents, all of which are in the field of golf club design.
5. I have read and understood patent application Serial No. 08/787,745 ("the '745 application"), filed January 24, 1997.
6. Based upon my knowledge and experience of working for approximately ten years in the field of golf club design, I am of the opinion that the golf club shaft disclosed in the '745 application, as evidenced by Figure 11,

exhibits a kick/flex point which is high in the shaft, i.e., more toward the butt end, than other golf club shafts without intervening disc notches, which are known in the art.

7. In addition, I am of the opinion that the golf club shaft disclosed in the '745 application, as evidenced by Figure 10, exhibits a more uniform bend profile from butt end to tip end than other golf club shafts known in the industry. Further, it is my opinion that the selection of a butt end having a smaller diameter than conventional golf shafts in conjunction with a tip end having a diameter the same as or larger than conventional golf club shafts results in a golf club shaft having a higher kick point and a more uniform bend profile from tip end to butt end than other known golf club shafts.

8. Based upon my knowledge and experience of working for approximately ten years in the field of golf club design, I am of the opinion that it is not obvious for one of ordinary skill in the art to move the kick point of a golf club shaft upward by adjusting the butt end diameter of the shaft.

9. I have read and understood patent no. 5,437,450 ("450 patent") to Akatsuka et al., issued August 1, 1995, a copy of which is attached hereto as Exhibit 1 and forms a part of this declaration.

10. Based upon my understanding of the '450 patent, it teaches a golf club shaft having a butt diameter of 0.492" to 0.728" and a tip diameter of 0.173" to 0.488". Based upon my expertise and experience in the design of golf club shafts, I can say that the tip end and butt end diameter ranges quoted in the '450 patent are exceptionally broad when compared to tip end and butt end diameter ranges which are currently practiced in the industry.

11. Based upon my expertise and experience in this field, it is also my opinion that the '450 patent contains no suggestion to one of ordinary skill in the art to use the minimum preferred butt diameter of the range 0.547" to 0.649" in conjunction with the maximum preferred tip diameter of the range 0.252" to 0.370" in order to move the kick point up the golf club shaft toward the butt end.

12. Based upon my knowledge and experience in the field of golf club design, it is my opinion that those of ordinary skill in the art adjust grip

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diameter in order to accommodate players with hands of diff ring sizes. In addition, it is my opinion that those of ordinary skill in the art do not adjust butt end shaft diameter in order to accommodate players with hands of differing sizes.

13. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements have been made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/27/00

Date



Tom Olsavsky

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